

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

KYLE BOBAY, D.O.,	:	
Plaintiff,	:	
v.	:	Case No. 3:22-cv-2
WRIGHT STATE UNIVERSITY, et	:	JUDGE WALTER H. RICE
al.,	:	
Defendants.	:	

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ENTRY AND ORDER SUSTAINING PLAINTIFF'S MOTION FOR  
TEMPORARY RESTRAINING ORDER (DOC. #2)

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This matter is before the Court pursuant to a Motion for Temporary Restraining Order ("TRO"), Doc., #2, filed by Plaintiff, Kyle Bobay, D.O. ("Plaintiff"), on January 3, 2022. Plaintiff seeks an Order, pursuant to Fed. R. Civ. P. 65(b), restraining Defendants, Wright State University and the individual members of the Board of Trustees of Wright State University<sup>1</sup> (collectively "Wright State") and Kettering Adventist Healthcare dba Kettering Health Network ("Kettering"), from terminating his graduate medical education agreement (the "GME agreement") on January 4, 2022, as a result of his refusal, for religious reasons, to take a Covid-19 vaccine. *Id.*, PageID##71 and 76. He alleges in his

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<sup>1</sup> Defendants, Tom Gunlock, Marty Grunder, Andrew Platt, Dawn Conway, Douglas A. Fecher, Sean Fitzpatrick, Ranjan Kejriwal, Bruce Langos and William W. Montgomery, are sued in their official capacity as members of the Board of Trustees of Wright State University.

verified Complaint for TRO and Injunctive and Declaratory Relief, Doc. #1, that the GM agreement relates to his participation as a resident physician in the Wright State Emergency Medicine Residency Program ("EM Residency Program") and Defendants' actions violate the free Exercise Clause of the First Amendment to the United States Constitution. *Id.*, PageID#9.

For the reasons set forth by the Court during a January 4, 2022, telephonic hearing, the Court finds that the requirements of Fed. R. Civ. P. 65(b) have been satisfied and Plaintiff's Motion for Temporary Restraining Order, Doc. #2, is, accordingly, SUSTAINED.

Defendants Wright State and Kettering are enjoined, for a period of fourteen days, through January 18, 2022, subject to renewal pursuant to Rule 65 (b)(2), from terminating his position as a resident physician in the Wright State EM Residency Program and terminating his GME Agreement on January 4, 2022, for refusing to take the Covid-19 vaccine.

The parties agreed to waive Plaintiff's requirement to post security.

IT IS SO ORDERED.

Date: January 4, 2022



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE